IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 27299 of 2005(Y)

PETITIONER:

M.K.MOHAMMED KUTTY,
GOVT. CONTRACTOR, MECHERIKUNNATH HOUSE,
CHERUTHURUTHY P.O., THISSUR DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. WADAKKANCHERRY GRAMA PANCHAYATH,REP. BY ITS PRESIDENT, OFFICE OF THE WADAKKANCHERY GRAMA PANCHAYAT, WADAKKANCHERY P.O., THRISSUR DISTRICT.

2. THE SECRETARY, WADAKKANCHERY GRAMA PANCHAYAT, WADAKKANCHERY P.O., THRISUR DISTRICT.

3. THE ASSISTANT ENGINEER(PWD), WADAKKANCHERY GRAMA PANCHAYATH, WADAKKANCHERRY P.O., THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU, SC
SRI.M.GEORGE THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 27299/2005

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE DETAILS OF THE WORK AWARDED T THE PETITIONER INCLUDING ESTIMATE.

P2 : COPY OF THE RECASTED ESTIMATE OF THE WORK AWARDED TO THE PETITIONER INCLUDING THE REPORT FOR RECAST.

P3 : COPY OF THE RESOLUTION NO. 4/2002 DATED 25/4/2002 OF THE 1ST RESPONDENT.

P4 : COPY OF THE RELEVANT PORTION OF THE MEASUREMENT BOOK OF THE WORK AWARDED TO THE PETITIONER.

P5 : COPY OF THE REPRESENTATION DATED 28/10/2004 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

P5(a) : COPY OF THE REPRESENTATION DATED 02/05/2005 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 27299 of 2005 Y

Dated, this the 26th day of March, 2007

J U D G M E N T

The prayer in the WPC is for a direction to the 2nd respondent to release payment for the work executed by the petitioner and also to release security deed. The learned counsel for the Panchayat submitted that work was not completed by the petitioner and the Panchayat decided to modify the work to be done. According to the petitioner, petitioner discontinued the work under orders of the Panchayat and therefore petitioner is entitled for payment of the work executed by him. In the circumstance, WPC is disposed of directing the Asst. Executive Engineer, PWD of that area to see the contract and tender conditions and evaluate the extent of work done by the petitioner and part bill submitted by the petitioner. The Panchayat also will submit to the Asst. Executive Engineer, PWD about the actual extent of work done by the petitioner for him to evaluate and make recommendations. The Panchayat is directed to release payment to the petitioner in terms of the recommendations of the Asst. Executive Engineer, PWD within three months from the date of production of a copy of this judgment.

This WPC is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg